

OFFICER DECISION RECORD 2 FORM – GUIDANCE

This form should be used to record Officer Decisions which have a financial impact (income/expenditure) between £25k - £100k.

Decision Reference No: EE22 0263

BOX 1.

DIRECTORATE: Economy & Environment **DATE:** 12.11.21

Contact Name: Karen Lythe

Tel. No. x37670

Subject Matter: Appointment of additional Health and Safety Adviser in the corporate Health and Safety Team

BOX 2

DECISION TAKEN:

The approval of the appointment of an additional Health and Safety Adviser to work on Building and Fire Safety matters for the Council with St Leger Homes Doncaster Ltd, in response to new legislative responsibilities, regulations and inspection processes.

BOX 3

REASON FOR DECISION AND ALTERNATIVE OPTIONS CONSIDERED AND REJECTED:

The Government is bringing forward new safety legislation affecting the housing sector. The proposed legislation emphasises promoting a positive safety culture, with a need to ensure visible support for safety issues from senior management. It also seeks to ensure positive engagement with residents and the employees engaged in providing safe services and homes. New obligations and duties have been set out in;

- The Building Safety Bill which formalises the Government's response to the Grenfell Tower tragedy and creates a new regime of Building Safety Regulator – expected to become law from April 2023
- The Fire Safety Act 2021 which amended the Regulatory Reform Fire Safety Order 2005 – expected to become law by April 2022 at the latest

The legislation is yet to become law and some issues are still subject to consultation and redrafting, however there is clear advice from the Government, the new Building Safety Regulator and the Regulator for Social Housing for the sector to start to prepare for the implementation of new regulations now. The proposals in these bills make substantial changes to how safety matters must be managed in the future.

The Building Safety Bill - Accountable Person:

The Building Safety Bill introduces a new role of Accountable Person (AP) which sits within local authorities. It is currently envisaged that the AP in Doncaster will be the Director for Economy and Environment. The AP is the person who holds the legal obligation in terms of safety in buildings, both social housing and private housing, which qualify under the legislation. Importantly, higher risk residential buildings will need to be registered by the AP who will need to apply to the Regulator for a Building Assurance Certificate for any occupied higher risk residential building within the housing stock. Key duties for the AP under the Building Safety Bill will be:

Building Safety Cases:

The AP has a duty to present the Safety Case Report, which is sent to the Building Safety Regulator to make the 'claim' of and argument for resident safety. It is supported by the wider Safety Case which refers to the totality of the building safety information and includes all the evidence that supports how these building safety risks are being managed, contained within a golden thread of information. It is currently assumed that the Council will delegate the production of Safety Cases for Council homes managed by SLHD to a Building Safety Manager to produce these important documents. Governance and assurance for the Council that these third party documents fully cover the Council's responsibilities will need to be comprehensive and robust

Building Safety Data:

To be able to give assurance to the Regulator that High Rise Buildings and other High Risk buildings are fit for habitation, the AP must ensure that Building Safety Manager(s) gather data in far greater detail on these properties. A 'digital golden thread' of information on all activities and elements within the building including inspections and works undertaken will be required to be captured and held.

Other new Building Safety duties for the AP include ensuring meaningful resident engagement on building safety matters and ensuring staff and contractor competency

Fire Safety

The Grenfell Tower Inquiry Phase 1 has produced a series of new safety recommendations and the AP will also need to co-operate with the SLHD Responsible Person under the Regulatory Reform (Fire Safety) Order 2005. These additional recommendations will result in new regulations including about external walls, building plans, evacuation plans, lifts and fire fighting equipment, fire doors, signage and fire safety instructions for residents.

Building and Fire Safety governance and assurance:

With regard to its social housing, although the Council can delegate some of these duties to SLHD it cannot delegate responsibility. There is therefore a requirement for greater oversight, scrutiny and assurance on these matters within the Council. A monthly Building Safety Group has been established, chaired by the Director for E&E and attended by senior officers from both the Council and SLHD and the Cabinet Member for Housing and Business, which is supported by a new monthly Building Safety Officer Group meeting. These groups are overseeing and taking forward current building and fire safety work and ensuring the necessary preparation work for new duties is underway. The Council's Corporate Safety and Training Manager attends both of these meetings, and has regular meetings with individual staff in SLHD, however his remit spans the full range of corporate H&S issues not just housing, and there is currently insufficient

capacity to respond adequately to the full remit of new building and fire safety duties and actions.

The structure for the corporate H&S Team includes Health and Safety Advisers who specialise in particular areas of work, and this report proposes the establishment of an additional Adviser post to focus on social housing building and fire safety, to work closely with SLHD and South Yorkshire Fire and Rescue, supporting the Accountable Person and the Corporate Safety and Training Manager to fulfil the Council's new duties and ensure comprehensive and robust assurance processes for SLHD work on these matters.

As this new post will work exclusively on building and fire safety matters with SLHD it is proposed that it is funded from the Housing Revue Account. The post will be a G9 at a current cost of £41,861 including on-costs and is to be established from 1 January 2022 in order that it can support the essential preparation work for the new safety bills.

It is also proposed that the HRA cover a small proportion of the cost of the Corporate Safety and Training Manager post, specifically for the time spent working with SLHD, at a current cost of £5,034 p.a. including on costs

Alternative Option

The alternative option to the creation of this new post is to continue with the current Council officer capacity to support the AP in ensuring that the new duties being introduced in the new legislation are adequately discharged. This will limit the extent of assurance, oversight and scrutiny possible of the work of SLHD, relying to a larger extent on SLHD to respond adequately to these duties.

BOX 4 BACKGROUND PAPERS

YES/NO

BOX 5 INFORMATION NOT FOR PUBLICATION:


It is in the public's interest to be aware of this decision record under the Freedom of Information Act 2000, therefore this decision will be published in full, redacting only signatures

Name: A J Rowbotham_ Signature: A J Rowbotham_ Date 16th Nov 2021

Signature of FOI Lead Officer for service area where ODR originates

**BOX 6
AUTHORISATION:**

Name: Dan Swaine

Signature: 

Date: 12.11.21

Director of Economy & Development

Does this decision require authorisation by the Chief Financial Officer or other Officer?

YES/NO

If yes please authorise below:

Name: _____ **Signed:** _____ **Date:** _____

Chief Executive/Director/Assistant Director of _____

Consultation with Relevant Member(s)

Name: __ Cllr Glyn Jones __ **Signature:** _____ **Date:** _____

Designation: Deputy Mayor and Cabinet Member for Housing and Business

(e.g. Mayor, Cabinet Member or Committee Chair/Vice-Chair)

Declaration of Interest YES/NO

If YES please give details below:

PLEASE NOTE THIS FORM WILL BE PUBLISHED ON THE COUNCIL'S WEBSITE IN FULL UNLESS IT CONTAINS EXEMPT OR CONFIDENTIAL INFORMATION

Once completed a PDF copy of this form along with any relevant background papers should be forwarded to Governance Services at Democratic.Services@doncaster.gov.uk who will arrange publication.

It is the responsibility of the decision taker to clearly identify any information that is confidential or exempt and should be redacted before publication.